

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JULIE DALESSIO, an individual,

Plaintiff,

v.

UNIVERSITY OF WASHINGTON,

Defendant.

Case No. 2:17-cv-00642 MJP

**PLAINTIFF'S Declaration re  
MOTION TO SEAL Records**

**Noted for Hearing: Sept. 15, 2017**

I, Julie Dalessio, declare that I am over the age of 18, and I am competent to testify as to all matters herein. Attached Exhibits are true and correct copies of:

- Exhibit 1, email between the court and the parties;
- Exhibit 2, email between the parties;
- Exhibit 3, email chain between the parties;
- Exhibit 4, Letter dated July 12, 2002, filed under seal;
- Exhibits 5, 6, and 7, Selections from UW Public Records, Names, ID #s, claim #s redacted by the Plaintiff, highlighting added.

**PR 15-00570**

On March 25, 2016, I discovered through legal procedures in a lawsuit brought by my neighbor (David Betz) for adverse possession, that he had obtained records concerning me from The University of Washington (UW) Office of Public Records. I then submitted a public records request for copies of the discs he was given. (*Dkt. 30-8 p.2*) On April 5, 2016 UW responded with PR 16- 00218.(*id p. 3*).<sup>1</sup> Upon receipt, I informed Alison Swenson and Perry Tapper in the UW Office of Public Records, the University Ombud, and UW attorney general Rob Kosin of the improper release of records (**including my social security number**). I first contacted UW Office of Public Records(*Dkt. 30-9 p.2*) expecting that the UW would want to mitigate damages, to at least assure me that this would not be repeated, that these PRs containing my Social Security Number, Date of birth, Name change information, Employee Id #, health related information, financial information, and a selection of defamatory documents would be properly redacted, and hoped that UW would request that my neighbor, Betz (who is an attorney) destroy all copies of personal, confidential information that he was mistakenly provided. I expected that UW would at least provide identity theft protection.

After learning that UW could or would not act in any way to correct any mistakes or mitigate damages, I filed claims with the Department of Enterprise Services, UW Office of

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<sup>1</sup> PR 16-00218 is not an exact copy of PR 15-00570, as I requested, but contains different file configurations of the documents, thus the described contents are found on different pages.

1 Risk Management, EEOC, and Washington State Human Rights Commission.<sup>2</sup>

2 Subsequently, I commenced this lawsuit.

3 The UW did not notify me before providing personal records (PR 15-00570) to my  
4 neighbor who was suing her for adverse possession, nor did the UW contact me regarding  
5 their intentions to file PR 15-00570<sup>3</sup> in the court records (Dkts. 30-1 and 30-2) with their  
6 motion for summary judgment (scheduled for hearing this same day, Sept. 15, 2017), despite  
7 the fact that we discussed my concerns regarding the confidential nature of the contents on  
8 May 23, 2017 during our FRCP 26 conference. Exhibits 1, 2, and 3 document my  
9 subsequent, unsuccessful efforts to protect the confidentiality of these records and my  
10 privacy.

11 The Court restricted only Dkt. 30-2, despite the fact that I pointed out that Dkt. 30-1  
12 also contains confidential information. (*Exh. 1 p.4*) The UW then obscured the evidence of  
13 their improper publications of my SSN and DOB and replaced Dkt. 30-2 with Dkts. 32, 33,  
14 and 34, thus changing the document numbering, and amplifying the portion of PR 15-00570  
15 that is also available as Dkt. 30-1.

16 The UW has now produced five different versions of this same PR 15-00570, all  
17 configured and numbered differently, and emailed me that “Per the Court’s order, we are  
18 asking you again to identify any pages in Dkts 30-1 and 30-2 that you believe contain your  
19 date of birth or social security number.”(*Exh. 2, p.7*) There is no Court Order that I go  
20

21 <sup>2</sup> The UW has disclosed their copies of these documents, but has objected to requests for admissions of the dates  
these were filed and denied.

22 <sup>3</sup> The records published by UW in the Court record purportedly as PR 15-00570 lacks the inventory exemption  
log.

1 through these documents yet again to identify the new page numbers<sup>4</sup> of these documents, so  
 2 that UW can obliterate the evidence of their breaches.

3 I pray that the Court will act immediately to protect my privacy, restrict Dkts. 30-1,  
 4 32, 33 and 33, and order the UW to produce the entire PR 15-00570 in its original format,  
 5 with original file configurations, **under seal**, as a true replacement for Exhibit A to  
 6 Declaration of Alison Swenson(*Dkt. 30, p.2*)

7  
 8 **PR 16-00760**

9 On Nov. 9, 2016 I submitted a Public Records request(*Dkt. 29-1*) for the portion of  
 10 the above records that was “my departmental personnel file” since few of the records in PR  
 11 15-00570 were contained in my personnel file at the time of my resignation, and very few of  
 12 the records that had been in my personnel file were in the Public Records provided to Betz.  
 13 In January and February 2017, UW responded with PR 16-00760 (filed under seal with this  
 14 motion) containing 1142 pages.(*Dkt. 29 p.2*)

15 This Public records release contains a different selection and assortment of documents  
 16 than that produced in response to Betz’s request for “all records.”(*Dkt. 30-4, p.2*) PR  
 17 16-00760 contains an even greater amplification and disorganization of a multitude of my  
 18 personal, confidential, and identifying information and further scandalous documents.

19 The University of Washington has altered my personnel file, without my knowledge  
 20 or consent, removed commendatory documents that confirm my accomplishments and  
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22 <sup>4</sup> I have previously identified the page #s from the original PR 15-00570 in RFAs to UW.(*Exh. 1 to Plaintiff’s Motion to Seal records*)

1 inserted exempt and defamatory documents, including multiple copies of several, then  
2 provided those documents to anyone who enquired regarding my employment. These  
3 include: L&I claim information and my supervisor's opinions regarding my  
4 accommodations request; derisive and defamatory emails from my supervisor containing  
5 unsolicited, unqualified opinions and directions about my healthcare (my supervisor has a  
6 PhD in microbiology), and a confidential settlement agreement. These documents are  
7 included in both PR 16-00760(*filed under seal with this motion*) AND PR 15-00570(altered  
8 versions with different file configurations and SSN and DOB redacted filed by UW in *Dkts.*  
9 *30-1, 30-2, 32, 33, and 34*).

10  
11 At the time of my resignation, I had no idea that the University was copying and  
12 distributing confidential records (including medical records) to unauthorized persons, that my  
13 supervisor was emailing others her opinions about the "use of [my] body," that my supervisor  
14 was joking with coworkers regarding my accommodations requests, that University  
15 employees were meeting and discussing my physical appearance and gossiping about my  
16 family, and that notes from this meeting would be copied and placed in my personnel file,  
17 along with multiple copies of selected, misleading documents, including several in breach of  
18 the Settlement agreement and that these records would be copied and distributed as my  
19 Public Record.(PR 15-00570 and *PR 16-00760 submitted under seal with Plaintiff's*  
20 *Response to Defendant's motion for Summary Judgment*)

21 PR 16-00760 is evidence of another improper Public Records Release by the UW. It  
22 contains more, different, disorganized, altered, manipulated documents than those provided

1 to Betz. In addition, the multiple documents contain my SSN, DOB and other confidential  
 2 information that UW did not redact because it is “standard practice” to produce Public  
 3 Records in non-redacted form if the requestor<sup>5</sup> asks for their own records.(*Dkt. 29, p.2*) It is  
 4 also the practice of the UW to provide copies of existing Public Records (PR 15-00570, PR  
 5 16-00618, and PR 16-00760) in their entirety to anyone who requests a copy of the specific  
 6 PR #.<sup>6</sup>

7  
 8 **Exhibit 4, Letter dated July 12, 2002, filed under seal**

9 PR 16-00760 contains 37 copies of specific documents<sup>7</sup> that the UW duplicated,  
 10 maintained, and distributed in breach of our settlement agreement. The attached letter dated  
 11 July 24, 2002 (*Exh. 4 filed under seal*) referenced in the agreement, is essential evidence for  
 12 this claim, yet public disclosure in association with my name in the Court records would  
 13 further damage my reputation. I pray that the court will order appropriate methods to admit  
 14 this essential evidence while protecting my privacy.  
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 16

17 <sup>5</sup> The UW did not request any identification from me before providing these records.

18 <sup>6</sup> UW000777(in initial disclosures) regarding PR-16-00218 “Full grant because she requested what was released  
 19 in response to another request. Her copy has the same redactions, the other requestors closing letter and the  
 inventory log to the other request.”

20 <sup>7</sup> PR-2016-00760 stage 1 00020-A1496194.pdf, 00026-A1496197.pdf, 00219-A1510603.pdf, 00232-  
 A1510612.pdf (and another copy 00236-A1510615.pdf), 00277-A1510643 (and 00489-A1510782.pdf), 00287-  
 A1510651.pdf AND 00289-A1510652.pdf, 00299-A1510660.pdf, 00411-A1510733.pdf, 00362-A1510699.pdf,  
 00399-A1510726.pdf, 00408-A1510731.pdf, 00467-A1510766.pdf, 00489-A1510782.pdf, 00497-  
 A1510789.pdf stage 2 00560-A1519744.pdf pg 1-4, pg 7-8, pg 9, pg 10-11, pg 12-13, pg 14, pg 15-16, pg  
 17-1, pg 19-20 , pg 21; 00782-A1519949.pdf pg 50-55, 00782-A1519949.pdf pg 56-57, 00782-A1519949.pdf  
 pg 58, 00782-A1519949.pdf pg 59-60, 00782-A1519949.pdf pg 61-62, 00782-A1519949.pdf pg 632, 00782-  
 A1519949.pdf, pg 64-65; 00782-A1519949.pdf pg 66-67, 00782-A1519949.pdf pg 68-69, 00782-A1519949.pdf  
 pg 70.

1 **Records of Other UW employees and former Employees with Disabilities**

2 PR 15- 00570 also contains a list of other former employees who were clients of the  
 3 UW “Disability Services Office.” (*Dkt. 30-2, p. 218 and Dkt 34 last pg.*)<sup>8</sup> In order to obtain  
 4 information regarding the habits of the UW in responding to similar Public Records requests  
 5 for “all information pertaining to” a specific employee, I requested public records of these  
 6 individuals as well as records of two current employees. I disclosed these records requests to  
 7 Counsel for UW.

8 The UW Office of Public Records has since responded, providing me with thousands  
 9 of pages of confidential information about these people. Exhibits 5, 6 and 7 contain a small  
 10 selection of some of the most egregious breaches of confidentiality in just one portion of one  
 11 UW PR release (PR-2017-00359, stage 2). I have scribbled out names, ID numbers and  
 12 Claim and policy numbers to protect the privacy of the individuals, and added highlighting.  
 13 These records include Medical reports, Medical Test results, Communications regarding  
 14 employee’s illness/injury and surgery, patient id#, insurance information, L&I claim  
 15 information, communications regarding disability accommodations, disability leave, “formal  
 16 counseling memos,” tobacco use, handicap status, vocational intake work history records,  
 17 employee id numbers, work and leave histories, wages, dates and places of birth, all **in**  
 18 **conjunction with employee names and ID numbers.** Many of these documents are  
 19 designated as “confidential” right on the document, yet UW provided them to me as shown in  
 20 Exhs. 5-7 except without redaction of the employee’s name, and without yellow highlights.  
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22 <sup>8</sup> UW does not agree that their court submissions contain any personal, confidential information(*Exh. 2, p.2*),  
 and has re-published this list of names of Disability Services Clients in Dkt.34.

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**CONCLUSION**

It's highly offensive to me that the University of Washington released this multitude of exempt information, not just once, but several times, even after I communicated my concerns to multiple departments at the University of Washington and to the Courts. I am concerned that all of my confidential information is now open to the public.

It is of legitimate concern to the public that these negligent practices are continuing, and I pray that the court will take action to stop them.

I pray that the Court will allow submission of essential evidence (PR 15-00570, PR 16-00760, and July 12, 2002 letter (*Exh. 4*) under seal to preserve the integrity of the evidence and the confidentiality of the documents.

I have suffered financial, physical, and emotional damages as well as damage to my reputation due to these actions by UW.

I Declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

DATED: Sept 5, 2017

s/ julie dalessio

Julie Dalessio

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